

STATE OF NEW YORK  
COURT: UNITED STATES DISTRICT COURT SOUTHERN DISTRICTINDEX NO: 08CIV.06411  
Date Filed:

Plaintiff(s)/Petitioner(s) VIRGINIA GARDNER, AND BEHALF OF HERSELF AND ALL OTHERS SIMILARLY SITUATED

Defendant(s)/Respondent(s) MILLER &amp; MILONE, P.C., ET AL

Vs.

STATE OF NEW YORK

SS.

COUNTY OF: WESTCHESTER

The undersigned deponent, being duly sworn deposes and say that said deponent is not a party to this action, is over 18 years of age and resides in the State of NEW YORK Deponent served the within process as follows:

Process Served: SUMMONS AND FIRST AMENDED CLASS ACTION COMPLAINT

Party Served: MILLER &amp; MILONE, P.C.

At Location: 100 QUENTIN ROOSEVELT BLVD., STE. 205

GARDEN CITY, NY 11530

Date of Service 7-31-08 Time of service 4:08 PM C heck boxes that apply to this service:

#1, INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2, CORPORATION By delivering to and leaving with CHRISTINA MILONE and that deponent knew the person so served to be the PARTNER of the corporation and authorized to accept service..

#3, SUITABLE AGE PERSON By delivering to and leaving with \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house(usual place of abode) within the state.

#4, AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house(usual place of abode) within the state.

#5, MAILING COPY On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

#6, NON-SERVICE After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown Address [ ] Evading  
 [ ] Moved left no forwarding [ ] Address does not exist  
 [ ] Other \_\_\_\_\_

#7, DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex: F Color of Skin: White Color of Hair: Brown Age: 45 Height 5'6  
 Weight 130 Other Features \_\_\_\_\_

#8, WITNESS FEES \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid(tendered) to the recipient.

#9, MILITARY SERVICE Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed \_\_\_\_\_ was not.

Sworn to before me on August 4, 2008  
Am. LevyGAIL WILLIAMS  
Notary Public, State of New York  
No. 4565052Qualified in Westchester County  
Commission Expires September 30, 2010